

Jeopardy Assessment
for the Proposed Incidental Taking Authorization
of the Butler's Garter Snake

Sunset Drive road development
City of Waukesha, Waukesha County, Wisconsin

Background

The state-threatened Butler's garter snake is the smallest of the five Wisconsin garter snake species. Both sexes of this species reach maturity during their second full year and females deliver 4-19 live-born young in mid to late summer. This species requires a moderately open to open canopy habitat, preferably with both upland and wetland habitat. Butler's naturally hibernate in open-canopy wetlands (sedge meadows, fringes of cattail marshes, etc.) but are also known to occupy sites that provide other means for successful overwintering (i.e. old landfills where conditions provide access below the frostline and where adequate moisture exists).

The Butler's garter snake is a colonial species that is restricted to several southeastern counties in Wisconsin. There are currently 30 locations where this species has been documented from 1973 to present. Twenty-five of these records have been documented since 1990. Most sites that have been moderately to heavily surveyed for Butler's show a healthy age-class structure, indicating that regular recruitment is occurring on those sites. Surveys and monitoring since its listing in 1997 reveal that Butler's often occur in very large numbers on relatively small sites (i.e. 400+ snakes detected on a 20-acre site with less than 50% suitable [open canopy] habitat). Three intensive survey/monitoring efforts associated with mitigation for incidental take to date have involved large numbers of Butler's garter snakes (over 1200 Butler's on three isolated sites along Lincoln Creek within the City of Milwaukee). Surveys have also demonstrated that Butler's can occur, sometimes in high numbers, on highly disturbed and degraded sites. One example is the location of 62 Butler's during one survey of a brownfield site in the industrial heart of Milwaukee. Most of the snakes were found under pieces of broken concrete in a large, abandoned, gravel parking lot that was adjacent to a small wetland.

In Summary, the Butler's garter snake is a fast-maturing species with potentially high annual recruitment. It can sustain populations on highly disturbed sites if the disturbance factors are eliminated and suitable wetlands are present on or adjacent to these sites. Since 1997, most sites where Butler's were suspected to occur, based on proximity to known range and habitat and which were subsequently surveyed, verified their presence.

Jeopardy Assessment

The City of Waukesha proposes to expand Sunset Drive from Chapman Drive to West St. Paul Avenue (CTH X). The project extends to but does not include the Fox River bridge crossing of Sunset Drive, and does not include changes to the existing Fox River bridge structure. Habitat suitable for Butler's gartersnake occurs along the Fox River corridor and extends into the Sunset Drive project area.

The proposed development along Sunset Drive in the city of Waukesha involves a portion of a Tier 3 Butler's gartersnake habitat site. The development is likely to result in minor incidental take of the Butler's gartersnake due to a wetland fill associated with the proposed development of the westbound lane. A small amount of suitable upland habitat will also be lost as a result of this pending project.

Snake fencing was placed on the site prior to snake emergence in 2009 to avoid take of the snake in the upland area of suitable habitat that will be lost. The following Conservation Measures must be met to

meet the requirements of the Butler's Gartersnake Conservation Strategy in order for the pending Incidental Take Authorization (ITA) to be issued and remain in effect once issued.

Required Conditions:

1. Maintain the snake fencing that has been installed per the Department's Snake Fencing Requirements from March 16 through November 5 each year until the date that onsite construction has been completed.
2. Any suitable habitat that will be temporarily disturbed in the construction area must be restored to good quality habitat.
3. The acreage of suitable snake habitat will not significantly diminish the affected Tier 3 habitat site.
4. Conduct annual management of all suitable upland snake habitat within the project limits such that it remains as good quality habitat as defined by the Strategy.

The department has determined that the proposed project is not likely to jeopardize the continued existence or recovery of the state population of these snakes or the whole plant-animal community of which they are a part if the conservation measures are strictly adhered to.